

STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE:

Waffle House, Inc.,

Complainant/Petitioner

v.

Palmetto Utilities, Inc.

Defendant/Respondent

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2010 - 79 - S

(Please type or print)

Submitted by: John M. S. Hoefer, Esquire

SC Bar Number: 4549

Address: Post Office Box 8416

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Columbia, SC 29202

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Other: _____

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: _____

| INDUSTRY (Check one) | NATURE OF ACTION (Check all that apply) | |
|--|--|--|
| <input type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input checked="" type="checkbox"/> Letter |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum |
| <input type="checkbox"/> Electric/Telecommunications | <input checked="" type="checkbox"/> Answer | <input type="checkbox"/> Motion |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration |
| <input type="checkbox"/> Gas | <input checked="" type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause |
| <input checked="" type="checkbox"/> Sewer | <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene |
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report |
| | | <input type="checkbox"/> Request |
| | | <input type="checkbox"/> Request for Certification |
| | | <input type="checkbox"/> Request for Investigation |
| | | <input type="checkbox"/> Resale Agreement |
| | | <input type="checkbox"/> Resale Amendment |
| | | <input type="checkbox"/> Reservation Letter |
| | | <input type="checkbox"/> Response |
| | | <input type="checkbox"/> Response to Discovery |
| | | <input type="checkbox"/> Return to Petition |
| | | <input type="checkbox"/> Stipulation |
| | | <input type="checkbox"/> Subpoena |
| | | <input type="checkbox"/> Tariff |
| | | <input checked="" type="checkbox"/> Other: <u>Complaint Form</u> |

Print Form

Reset Form

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

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SPECIAL COUNSEL

*ALSO ADMITTED IN TX

March 31, 2010

VIA ELECTRONIC FILING

AND FIRST CLASS MAIL

The Honorable Jocelyn G. Boyd

Interim Chief Clerk /Administrator

Public Service Commission of South Carolina

Post Office Box 11649

Columbia, South Carolina 29211

RE: Docket No. 2010-79-S

Dear Mrs. Boyd:

Enclosed for filing on behalf of Defendant/Respondent Palmetto Utilities, Inc. ("PUI") are the original and two copies of its answer to, and counter-complaint against, Complainant/Petitioner Waffle House, Inc. ("Waffle") in the above-referenced docket. Also enclosed please find the docket cover sheet and PUI's complaint form associated with its countercomplaint.

Please accept the originals of these documents for filing and acknowledge your receipt of same by returning one copy of each, bearing your file-stamp, via our courier.

With respect to PUI's counter-complaint set forth in the enclosed pleading, I would respectfully request that you issue Notice to Waffle to respond thereto in accordance with S. C. Code Ann. Regs. 103-830.A.

By copy of this letter, I am serving counsel of record and enclose a certificate of service to that effect.

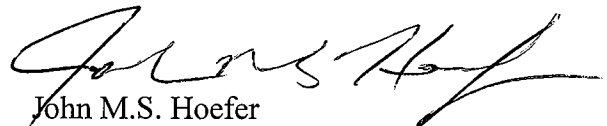
(Continued . . .)

The Honorable Jocelyn G. Boyd
March 31, 2010
Page 2

If you have any questions, or need additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.



John M.S. Hoefer

JMSH/cf

cc: Rivers S. Stillwell, Esq.
Frederick B. Tyler, Jr., Esq.
Jeffrey Nelson, Esq.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-79-S

IN RE:)
)
Waffle House, Inc.,)
)
Complainant/Petitioner)
)
v.)
)
Palmetto Utilities, Inc.)
)
Defendant/Respondent)
_____)


CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day one copy of **Respondent Palmetto Utilities, Inc.'s Answer and Counter-Complaint** in the above-referenced matter by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Rivers S. Stilwell, Esquire
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 10084
Greenville, SC 29601

Frederick B. Tyler, Jr., Esquire
Waffle House, Inc.
Post Office Box 6450
Norcross, GA 30091

Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211



Clark Fancher

Columbia, South Carolina
This 31st day of March, 2010.